

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL BACHICHA, an individual
and SUSAN STANOJEVIC, and
individual,

Plaintiffs,

v.

Civ. No. 10-710 BB/LAM

BOARD OF EDUCATION of the Albuquerque
Public Schools, PAULA MAES, in her individual
and official capacity as a member of the Board;
and WINSTON BROOKS, in his individual and
official capacity as Superintendent of
Albuquerque Public Schools,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant Albuquerque Public Schools' Motion to Dismiss Plaintiff Bachicha's Claim for Gender Discrimination under the New Mexico Human Rights Act [Doc. 72].

Defendant Albuquerque Public Schools (APS) argues that Plaintiff Bachicha failed to allege gender discrimination in his EEOC charge and therefore he has failed to exhaust his administrative remedies, requiring the Court to dismiss this claim.

Plaintiff Bachicha responds that he never asserted a gender discrimination claim under the New Mexico Human Rights Act and therefore the Motion should be denied.¹

¹ Defendants have attached several pages of e-mails, the contents of which can only be characterized as petty squabbling. A simple professional exchange between the parties at a preliminary stage could have spared the parties the expenses of briefing the issue and the Court would have been spared reading the e-mails.

Because Plaintiff Bachicha did not intend to assert a gender discrimination claim under the New Mexico Human Rights Act, the Court will deny the motion as moot.

IT IS THEREFORE ORDERED that Defendant Albuquerque Public Schools' Motion to Dismiss Plaintiff Bachicha's Claim for Gender Discrimination under the New Mexico Human Rights Act [Doc. 72] is denied as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bruce D. Black". The signature is written in a cursive, flowing style. The first name "Bruce" is followed by a middle initial "D" and the last name "Black".

Bruce D. Black
Chief United States District Judge